

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Brendon T. LILLY

Application No.: 10/501,945

Filed: October 12, 2004

Docket No.: 120496

For: PERFORMANCE MONITORING SYSTEM AND METHOD

**TRANSMITTAL OF POWER OF ATTORNEY AND
STATEMENT UNDER 37 CFR § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with 37 CFR §3.73(b), the undersigned hereby states that LEICA GEOSYSTEMS AG is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor of the patent application identified above. A copy of the assignment is attached hereto.

The undersigned is authorized to act on behalf of the assignee.

**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD
BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE
(703) 836-6400.**

Respectfully submitted,

Eric D. Morehouse
Registration No. 38,565

EDM/emt

Date: October 12, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GENERAL POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Owner Name: Leica Geosystems AG

hereby appoints the patent practitioners associated with Oliff & Berridge, PLC Customer No. 25944 as attorneys of record to prosecute any and all patents and patent applications in which this General Power of Attorney is filed, and all continuations and divisions thereof, owned in whole or in part by the above-named owner, and to transact all business in the Patent and Trademark Office.

The undersigned is authorized to execute this document as or on behalf of the owner.


**ALL CORRESPONDENCE SHOULD BE SENT TO OLIFF & BERRIDGE, PLC,
CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.**

August 9, 2004
Date


Signature

Typed Name: SCHNEIDER KLAUS

Title: IP-MANAGER
(if acting on behalf of an Owner)


STEGMAIER PETER
VP Technology,
BU Engineering

BRENDON ASSIGNMENT

(1-8) Insert Name(s) of Inventor(s)

(1) Brendon LILLY (5) _____
 (2) _____ (6) _____
 (3) _____ (7) _____
 (4) _____ (8) _____

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, each undersigned agrees to assign, and hereby does assign, transfer and set over to

(9) Insert Name of Assignee
 (10) Insert Address of Assignee

(9) Leica Geosystems AG
 (10) Heinrich-Wild-Strasse, CH-9435 Heerbrugg, Switzerland

(hereinafter designated as the Assignee) and Assignee's heirs, successors, assigns and legal representatives, the entire right, title and interest for the United States of America as defined in 35 U.S.C. §100, in the invention, and in all applications for patent including any and all provisional, non-provisional, divisional, continuation, international, confirmation, substitute and reissue application(s), and all Letters Patent, extensions, renewals and reexamination certificates that may be granted on the invention known as

(11) Insert Identification such as Title, Case Number, or Foreign Application Number

(11) PERFORMANCE MONITORING SYSTEM AND METHOD

(Attorney Docket No. 120496)

for which the undersigned has (have) executed an application for patent in the United States of America on even date herewith or

(12) Insert Date of Signing of Application

(12) on _____

(13) Alternative Identification for filed applications

(13) U.S. application Serial Number _____
 filed _____

1) Each undersigned agrees to execute all papers necessary in connection with any application and any continuing, divisional or reissue applications for the invention, and any patent(s) issuing thereon, and also to execute separate assignments in connection with such applications and patents as the Assignee may deem necessary.

2) Each undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning any application or continuation or division thereof, or any patent or reissue application based thereon, for the invention, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) Each undersigned agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) Each undersigned agrees to perform all affirmative acts which may be necessary to obtain, maintain or confirm by reissue or reexamination a grant of a valid United States patent to the Assignee.

5) Each undersigned authorizes and requests the Commissioner of the U.S. Patent and Trademark Office to issue any and all Letters Patents of the United States resulting from said application(s) to the said Assignee, as Assignee of the entire interest, and covenants that he has full right to convey the entire interest herein assigned, and that he has not executed, and will not execute, any agreements in conflict herewith, and agrees that this assignment is binding on him and his heirs, successors, assigns and legal representatives.

6) Each undersigned hereby grants the firm of OLIV & BARNUM, P.C. the power to insert on this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s)

Date <u>23/09/04</u>	Inventor Signature <u>[Signature]</u>	(SEAL)
Date _____	Inventor Signature _____	(SEAL)
Date _____	Inventor Signature _____	(SEAL)
Date _____	Inventor Signature _____	(SEAL)
Date _____	Inventor Signature _____	(SEAL)
Date _____	Inventor Signature _____	(SEAL)
Date _____	Inventor Signature _____	(SEAL)
Date _____	Inventor Signature _____	(SEAL)

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

Date <u>23/09/04</u>	Witness <u>[Signature]</u>
Date <u>23/9/04</u>	Witness <u>[Signature]</u>

BEST AVAILABLE COPY

DECLARATION UNDER 35 USC §371(c)(4) FOR PCT APPLICATION FOR UNITED STATES PATENT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: PERFORMANCE MONITORING SYSTEM AND METHOD

described and claimed in international application number PCT/AU03/00077 filed January 24, 2003.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

Australian Patent Application No. PS 0173 filed January 25, 2002

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

1	Typewritten Full Name	<u>BRENDON</u>		
1 -	of Sole or First Inventor:	<u>LILLY</u>		
		Given Name	Middle Initial	Family Name
2	Inventor's Signature:	<u>Brendon T. Lilly</u>		
3	Date of Signature:	<u>23/09/04</u>		
		Month	Day	Year
	Residence:	<u>East Brisbane</u>	<u>QLD</u>	<u>Australia</u>
		City	State or Province	Country
	Citizenship:	<u>Australian</u>		
	Post Office Address:	<u>977 Stanley Street East, East Brisbane</u>		
	(Insert complete mailing address, including country)			

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE ☐
(Discard this page in a sole inventor application)

BEST AVAILABLE COPY